



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|-------------------------|
| In re Patent Application of |) | |
| Noboru Saito et al. |) | Group Art Unit: 3762 |
| Application No.: 09/994,696 |) | Examiner: LESLIE R DEAK |
| Filed: November 28, 2001 |) | Confirmation No.: 8470 |
| For: PLATELET COLLECTING |) | |
| APPARATUS |) | |

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowability issued in connection the above-identified application included an Examiner's Statement of Reasons for Allowance. The Statement indicates that the prior art fails to disclose or suggest the claimed invention, including "the combination of the components of the blood collecting apparatus along with a controller that is programmed to increase the rotational frequency of the rotor along with an increase in the volume of collected erythrocytes."

Applicants object to the Examiner's Statement of Reasons for Allowance to the extent the comments are intended to imply that each of the independent claims in this application recites the above-quoted language. For example, independent Claims 10 and 12 do not recite that the controller is programmed to increase the rotational frequency of the rotor along with an increase in the volume of collected erythrocytes. Rather, Claim 10 recites that the controller increases the rotational frequency of the rotor in conformity with the increase in the flow rate of circulation produced by the blood delivering pump, while independent Claim 12 recites that the

rotational frequency of the rotor sequentially increases to a predetermined rotational frequency in conformity with the amount of blood entered into the centrifugal separator via the first line during the course of blood collection.

Applicants do not agree with the Examiner's Statement of Reasons for Allowance at least because the particular language noted in the Statement is not set forth in independent Claims 10 and 12. Applicant's thus submit that the comments in the Examiner's Statement of Reasons for Allowance should not be interpreted to imply that the independent claims recite anything different than that which the claims set forth.

Should the Examiner have any concerns regarding the comments in this paper, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: Nov 24' 04

By: Matthew L. Schneider

Matthew L. Schneider
Registration No. 32,814

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620